



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request to Join in Amicus Brief in the case of Robinson v. Solano County, 218 F.3d 1030 (9th Cir.2000).

MEETING DATE: March 7, 2001

PREPARED BY: Randall A. Hays, City Attorney

RECOMMENDATION: That the City join the Amicus Brief in the case of Robinson v. Solano County.

BACKGROUND: Amicus Briefs are filed in various actions, which involves matters of wide-ranging concern to provide information and additional argument to the Court in order to assist the Court in understanding all of the issues and arrive at a conclusion.

This case involves a decision by the Ninth Circuit that ruled that the mere act of a police officer pointing a gun at someone, even someone who has been reported as being armed can constitute excessive force for which a police officer can be sued. The Court further held that the reasonableness of the officer's decision is a question of fact, which must go to the jury. This particular decision turns the law that had previously existed completely upside down. The Ninth Circuit has agreed to rehear the case by the full court. The League of California Cities has requested that cities join in the amicus brief in support of Solano County in this matter.

This case is important because if the Ninth Circuit decision is allowed to stand, our City could well be placed in the impossible position of either ordering its police officers to not use the one technique most likely to protect them from the random violence that plagues our streets, or to accept the flood of new lawsuits possibly one every time a police officer feels obligated to unholster his or her gun, all of which under the Court's decision will have to go to trial. Neither of these options is acceptable.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: 

H. Dixon Flynn -- City Manager